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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,896	08/27/2001	Lane W. Lee	M-12042 US	4074
7590	01/13/2006		EXAMINER	
MACPHERSON KWOK CHEN & HEID LLP 1762 TECHNOLOGY DRIVE SUITE 226 San Jose, CA 95110			BAYAT, BRADLEY B	
			ART UNIT	PAPER NUMBER
			3621	
DATE MAILED: 01/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/939,896	LEE ET AL.
	Examiner Bradley B. Bayat	Art Unit 3621

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 21 October 2005.
- 2a) This action is FINAL.                                   2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 36-40, 42 and 43 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 36-40, 42 and 43 is/are rejected.
- 7) Claim(s) 43 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Status of Claims*

This communication responds to amendment filed on October 21, 2005. Claim 40 is currently amended, claim 41 canceled and new claims 42 and 43 have been added. Thus, claims 36-40, 42 and 43 remain pending.

### *Response to Arguments*

Applicant's arguments with the above noted amendment have been fully considered but they are not persuasive.

In the response noted above, applicant contends that authentication methods in DRM schemes are known for access to protected content (response p. 5). Applicant further notes that since digital signatures and use of public/private key cryptography can be compromised, there exists another layer of protections “commonly available in convention DRM schemes.” Id. “As is conventional, this revocation scheme follows authentication” upon identification of a user by a revocation list. Id. Applicant argues that the present invention provides a “file-by-file revocation scheme” that is “much more granular in that it precedes any file request by the host device. Id. Applicant contrasts the cited reference by asserting that the present invention provides greater granularity and control by associating a set of rules for evaluating fields in the digital certificate against the revocation list. Id. at 6. The examiner respectfully disagrees.

Applicant attempts to distinguish the cited reference from the claimed subject matter by mischaracterizing Nonaka and arguing matter not in the body of the claims. Applicant refers to a “file-by-file” granularity and asserts that the cited reference “makes no mention whatsoever regarding individual file system objects within the content being distributed from the content

provider.” Id. at 7. A file is merely a collection of data or information that has a name, called the *filename*. Almost all information stored in a computer must be in a file. There are many different types of files: *data files*, *text files*, *program files*, *directory files*, and so on. Different types of files store different types of information. For example, program files store programs, whereas text files store text. *See* <http://www.webopedia.com/TERM/f/file.html>.

Nonaka discloses that each content file contains various data (see figure 7 and associated text) and illustrates use other data beyond a digital signature for access to content (see figures 59-63 and associated text). In fact, Nonaka utilizes a metadata structure (¶0208-0213; 0282) as described in paragraphs 0186-0196 of applicant’s disclosure.

In response to applicant’s argument that the reference fails to show certain features of applicant’s invention, it is noted that the features upon which applicant relies (i.e., granular access and control based on objects within a content file in the certificate) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. *See In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant’s claims merely recite “reading a file associated with the file from the storage medium, the revocation file containing at least one rule, the at least one rule associating data in the revocation file with data in certificate...” As claimed, such a rule can be for example the number of times of content play or effective period for play/copy as taught in Nonaka.

Accordingly, The rejection is maintained and made **FINAL**.

***Claim Objections***

Claim 43 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. New claim 43 describes a storage engine of method claim 40. Claim 43 fails to further limit the subject matter of its dependent claim.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 36-40, 42 and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Nonaka et al. (hereinafter Nonaka), US 2003/0046238 A1.**

As per the following claims, Nonaka discloses:

36. A method of revoking a host device comprising:

- receiving at a storage engine a certificate from the host device, the certificate containing a digital signature (¶435);
- authenticating the digital signature (¶22-28, 54-66; figures 60, 61 and associated text);
- receiving at the storage engine a file request from the host device, the file request being directed to a file stored on a storage medium accessible to the storage engine (¶435, 671-675);

- reading a revocation list associated with the file from the storage medium, the revocation file containing at least one rule, the at least one rule associating data in the revocation file with data in the certificate (¶435, 671-675;
- applying the at least one rule on the data in the revocation file and the associated data in the certificate (¶247); and
- if the application of the at least one rule provides a failing result, denying the file request (¶671-675; figures 60-61).

37. The method of claim 36, wherein the at least one rule comprises a plurality of rules (¶247, 857, 1085-1087).

38. The method of claim 36, wherein the storage medium is an optical disk (¶221).

39. The method of claim 36, wherein the application of the at least one rule act comprises matching the data in the revocation file with the data in the certificate (¶225, 256, 283).

40. The method of claim 36, further comprising: if the application of the at least one rule provides a successful result, granting the file request (¶262-276; 359-370).

41. CANCELED.

Claims 42 and 43 are directed to a storage engine of the above method claims and are therefore rejected as above.

*Although the Examiner has pointed out particular references contained in the prior art(s) of record in the body of this action, the specified citations are merely representative of the teachings in the art as applied to the specific limitations within the individual claim. Since other passages and figures may apply to the claimed invention as well, it is respectfully requested that the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.*

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The

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examiner can normally be reached on Tuesday - Friday 8 a.m.-6:30 p.m. and by email:  
bradley.bayat@uspto.gov.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached regarding urgent matters at 571-272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Or faxed to:

**(571) 273-8300** - Official communications; including After Final responses.

**(571) 273-6704** - Informal/Draft communications to the examiner.

Bradley B. Bayat, Esq.  
January 6, 2006

*Bradley B. Bayat*  
PRIMARY EXAMINER